

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JUDGE LEFKOW  
MAGISTRATE JUDGE GILBERT

15CR 105

UNITED STATES OF AMERICA

) No.

v.

) Violations: Title 18 United States  
) Code, Sections 287, 641, and 1341

KRISTOPHER SMITH, aka  
"Neter Amen Ra El" and  
"Setian Beelzebub Bey"

)  
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UNDER SEAL FILED

COUNT ONE

MAR X 4 2015

The SPECIAL SEPTEMBER 2014 GRAND JURY charges:

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

1. At times material to this Indictment:

a. The Internal Revenue Service was an agency of the United States Department of the Treasury. For the tax years 2007, 2008, and 2009, the IRS provided that estates and trusts entitled to a refund of federal income taxes could claim that refund by submitting a Form 1041 United States Income Tax Return for Estates and Trusts.

b. On the Form 1041 return, the estate or trust was required to provide the estate's or trust's name and address, the name and title of its fiduciary, its Employer Identification Number, its total income for the tax year, the amount of federal income tax withheld during the tax year, the amount of federal income tax, and the amount of tax due or refund claimed.

c. The IRS relied upon information from the Form 1041 in determining and issuing refunds. After receiving this information, the IRS issued a refund to the taxpayer by mail, among other methods, if the trust or estate was

entitled to a refund and there were no outstanding tax liabilities or other federally authorized deductions on record with the IRS.

2. Beginning no later than in or about February 2010, and continuing through at least in or about September 2013, at Calumet City, in the Northern District of Illinois, Eastern Division, and elsewhere,

KRISTOPHER SMITH, aka  
"Neter Amen Ra El" and  
"Setian Beelzebub Bey,"

defendant herein, knowingly devised, intended to devise, and participated in a scheme to defraud and to obtain money and property from the IRS by means of materially false and fraudulent pretenses, representations, and promises as further described below.

3. It was part of the scheme that in or about February 2010, defendant obtained an Employer Identification Number from the IRS for the "Kristopher Smith Trust," and caused himself to be listed as the trustee and fiduciary of that purported trust. Defendant obtained EIN 27-646xxxx for the purported Kristopher Smith Trust.

4. It was further part of the scheme that in or about March 2010, defendant obtained a second EIN with the IRS for the "Kristopher Smith Trust," and caused himself to be listed as the trustee and fiduciary of that purported trust. Defendant obtained EIN 27-650xxxx for the purported Kristopher Smith Trust.

5. It was further part of the scheme that between no later than on or about March 8, 2010, and continuing through at least January 3, 2011, defendant

prepared and filed, and caused to be prepared and filed, with the IRS at least fifteen materially false and fraudulent Form 1041 trust tax returns for the purported Kristopher Smith Trust, using one of the EINs (27-646xxxx and 27-650xxxx) he had previously obtained, for tax years 2007, 2008, and 2009. Each return included, among other things, fictitious information relating to income, fees, exemptions, and tax withholding for the trust. In this manner, defendant falsely and fraudulently claimed tax refunds for the purported Kristopher Smith Trust in the amount of approximately \$4,104,000.

6. It was further part of the scheme that on or about August 8, 2011, defendant opened bank account xxxxxx5749 in the name of the purported Kristopher Smith Trust (EIN 27-650xxxx), listing Kristopher Smith as trustee, at Wells Fargo Bank.

7. It was further part of the scheme that, as a result of one of the false and fraudulent returns filed by the defendant, defendant caused the United States Department of the Treasury to issue an income tax refund check, on or about August 2, 2011, in the amount of \$314,871.15, in the name of Kristopher Smith, Kristopher Smith TTEE. The refund check was issued as a result of a fraudulent 2009 Form 1041 trust tax return filed by defendant on or about March 23, 2010.

8. It was further part of the scheme that defendant endorsed and deposited the tax refund check into Wells Fargo bank account xxxxxx5749, on or about August 9, 2011.



9. It was further part of the scheme that defendant used the proceeds of that fraudulently obtained refund check for his own personal use, including the purchase of real estate and vehicles.

10. It was further part of the scheme that defendant misrepresented, concealed, and hid the acts done in furtherance of his scheme to defraud.

11. On or about March 23, 2010, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

KRISTOPHER SMITH, aka  
"Neter Amen Ra El" and  
"Setian Beelzebub Bey,"

defendant herein, for the purpose of executing the above-described scheme and attempting to do so, did knowingly cause to be placed in an authorized depository for mail matter, to be sent and delivered by the United States Postal Service according to the directions thereon, an envelope containing a Form 1041 United States Income Tax Return for Estates and Trusts in the name of taxpayer Kristopher Smith Trust for tax year 2009, which envelope was addressed to:

Internal Revenue Submission Process Center  
201 West River Center Blvd  
Covington, KY 41011

In violation of Title 18, United States Code, Section 1341.

COUNT TWO

The SPECIAL SEPTEMBER 2014 GRAND JURY further charges:

1. Paragraphs 1 through 10 of Count One are incorporated here.
2. On or about January 3, 2011, at Calumet City, in the Northern District of Illinois, Eastern Division, and elsewhere,

KRISTOPHER SMITH, aka  
"Neter Amen Ra El" and  
"Setian Beelzebub Bey,"

defendant herein, for the purpose of executing the above-described scheme and attempting to do so, did knowingly cause to be placed in an authorized depository for mail matter, to be sent and delivered by the United States Postal Service according to the directions thereon, an envelope containing a Form 1041 United States Income Tax Return for Estates and Trusts in the name of taxpayer Kristopher Smith Trust for tax year 2007, which envelope was addressed to:

Department of the Treasury  
Internal Revenue Service,  
Cincinnati, OH 45999-0048

In violation of Title 18, United States Code, Section 1341.

**COUNTS THREE THROUGH TEN**

The SPECIAL SEPTEMBER 2014 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.
2. On or about the dates set forth below, each such date constituting a separate count of this Indictment, at Calumet City, in the Northern District of Illinois, Eastern Division, and elsewhere,

KRISTOPHER SMITH, aka  
 “Neter Amen Ra El” and  
 “Setian Beelzebub Bey,”

defendant herein, made, presented, and caused to be presented to the IRS, an agency of the United States, a claim upon and against the IRS, that is, a tax return as set forth below, knowing that the claim was false, fictitious, and fraudulent, in that the return falsely indicated that the taxpayer was entitled to a refund in the amount set forth:

<b>Count</b>	<b>Date</b>	<b>Tax Return</b>	<b>Refund Claimed</b>
3	March 8, 2010	2007 Form 1041 U.S. Income Tax Return for Estates and Trusts in the name of taxpayer Kristopher Smith Trust	\$300,000
4	March 8, 2010	2008 Form 1041 U.S. Income Tax Return for Estates and Trusts in the name of taxpayer Kristopher Smith Trust	\$300,000
5	March 8, 2010	2009 Form 1041 U.S. Income Tax Return for Estates and Trusts in the name of taxpayer Kristopher Smith Trust	\$300,000



6	March 23, 2010	2007 Form 1041 U.S. Income Tax Return for Estates and Trusts in the name of taxpayer Kristopher Smith Trust	\$300,000
7	March 23, 2010	2008 Form 1041 U.S. Income Tax Return for Estates and Trusts in the name of taxpayer Kristopher Smith Trust	\$300,000
8	March 23, 2010	2009 Form 1041 U.S. Income Tax Return for Estates and Trusts in the name of taxpayer Kristopher Smith Trust	\$300,000
9	July 30, 2010	2009 Form 1041 U.S. Income Tax Return for Estates and Trusts in the name of taxpayer Kristopher Smith Trust	\$300,000
10	January 3, 2011	2007 Form 1041 U.S. Income Tax Return for Estates and Trusts in the name of taxpayer Kristopher Smith Trust	\$125,000

In violation of Title 18, United States Code, Section 287.

**COUNT ELEVEN**

The SPECIAL SEPTEMBER 2014 GRAND JURY further charges:

1. Paragraph 1 of Count One is incorporated here.
2. On or about August 9, 2011, in the Northern District of Illinois, Eastern Division, and elsewhere,

KRISTOPHER SMITH, aka  
“Neter Amen Ra El” and  
“Setian Beelzebub Bey,”

defendant herein, stole, purloined, and knowingly converted to his own use money of the United States, namely, approximately \$314,871.15 in funds administered by the IRS in the form of a federal income tax refund issued to “Kristopher Smith, Kristopher Smith TTE,” which funds defendant was not entitled to receive;

In violation of Title 18, United States Code, Section 641.



**FORFEITURE ALLEGATION**

The SPECIAL SEPTEMBER 2014 GRAND JURY further charges:

1. Upon conviction of an offense in violation of Title 18, United States Code, Sections 287, 641, or 1341, as set forth in this Indictment, defendant shall forfeit to the United States of America any property which constitutes and is derived from proceeds traceable to the offense, as provided in Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. The property to be forfeited includes, but is not limited to:

- a. a personal money judgment in the amount of \$314,871.15; and
- b. the following specific property:
  - i. approximately \$172,500 seized by law enforcement on August 21, 2013, from TCF Bank checking account number xxxxxx0501; and
  - ii. the real property commonly known as 609 Sullivan Lane, University Park, Illinois, legally described as follows:

LOT 13 IN BLOCK 2 IN PARK FOREST SOUTH UNIT NUMBER 3, BEING A SUBDIVISION OF PART OF THE NORTH HALF OF SECTION 13, TOWNSHIP 34 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 1, 1971, AS DOCUMENT NUMBER R71-4101, IN WILL COUNTY, ILLINOIS.

PIN: 21-14-13-210-046-0000

3. If any of the property described above, as a result of any act or omission by defendant: cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has

been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property, as provided in Title 21, United States Code, Section 853(p).

A TRUE BILL:

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FOREPERSON

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UNITED STATES ATTORNEY